

STATE OF ALABAMA
JEFFERSON COUNTY

This Instrument prepared by
the Corporate Real Estate
Dept. of Alabama Power Co.
Birmingham, Ala.

By *[Signature]*

1075-

BOOK 342 PAGE 745

KNOW ALL MEN BY THESE PRESENTS, That Alabama Power Company, a corporation (hereinafter sometimes called the Company) organized and existing under the laws of the State of Alabama, for and in consideration of the sum of Four Thousand Five Hundred Thirty-One and 78/100 Dollars (\$4,531.78) to it in hand paid by State of Alabama (hereinafter sometimes called the State), receipt of which is hereby acknowledged, does hereby grant unto the State, its successors and assigns, to the extent of its interests, subject to the terms, conditions, reservations and limitations hereinafter set forth, a right of way for the construction, maintenance and operation of a bridge and approaches as a part of the State's Project F-248(17), as more particularly hereinafter described, over and across the surface of certain land and land rights owned by the Company in Shelby and Talladega Counties, Alabama, said right of way herein granted being shown on survey prepared by the State designated as Exhibit "A" and more particularly described in Exhibit "B", such Exhibits "A" and "B" being attached hereto and made a part hereof.

14
work
The Company reserves unto itself, its successors and assigns, the right to construct, operate and maintain on the right of way herein granted by it to the State, lines and poles and towers and appliances necessary therewith for the transmission of electric power as may become necessary or desirable in the future, and the right to permit other corporations and persons to attach wires to said poles and towers. Such use will, however, be in accordance with the provisions of the State of Alabama Highway Department Standards for Accommodating Utilities on Highway Rights of Way.

It is understood and agreed between the parties hereto that the Company obtained Federal Power Commission License No. 2146 on September 4, 1957. Such license, as subsequently amended, is for a period of 50 years from date of issuance. It authorized the Company to construct and maintain Lay Dam on the Coosa River and to raise the normal water level on such land to an elevation of 400 feet above mean sea level (United States Coast and Geodetic Survey as adjusted in January, 1955) and to flood from time to time the lands above said elevation to an elevation of 408 feet above mean sea level (United States Coast and Geodetic Survey as adjusted in January, 1955). It is understood and agreed between the parties hereto

Fulford Pope, Natter

that the Company, its successors and assigns, reserves the right, without obligation to the State or any other person whomsoever for damages resulting therefrom, to raise the normal water level of said river or its tributaries on and over the lands described in the exhibits attached hereto to said elevation of 400 feet above mean sea level and to flood from time to time such lands above said elevation to an elevation of 408 feet above mean sea level (United States Coast and Geodetic Survey as adjusted in January, 1955).

State agrees for itself, its successors and assigns, by the acceptance of this grant, that Company shall be relieved, held harmless by State, its successors and assigns, from and against any damages caused to State's roadway and accompanying facilities, or any of State's real or personal property, located on the right-of-way hereinabove granted, resulting from flooding caused by Company to any elevation so long as such damages arise out of the maintenance and operation of the Company's hydroelectric projects.

The rights herein granted are subject to the provisions, terms and conditions and for the duration of that certain license issued to the Company by the Federal Power Commission on September 4, 1957, as modified and amended, and as it may be further amended, for Project No. 2146, as described in the records of that Commission. The rights herein granted are also subject to the provisions, terms, conditions and time duration of any new or modified license as may be issued by the Federal Energy Regulatory Commission (successor to the Federal Power Commission), or its successor agency, to Company upon the expiration of Company's existing license.

It is understood and agreed that the right-of-way granted by the Company to the State is granted for highway, bridge or road purposes only, and should said right-of-way be abandoned or cease to be used for such purposes, this conveyance is to be held null and void and all rights, title and interest granted thereby shall revert to and become the property of the Company, its successors and assigns. State covenants that it has heretofore obtained from the United States of America and each agency and department thereof, including the United States Corps of Engineers, and from any necessary State agency, all requisite permission to construct and maintain the road being constructed on the right-of-way herein granted.

State shall take all precautions during the construction and maintenance of the highway authorized to be built, to protect Lay Dam and Reservoir from siltation and every form of pollution. State shall take all.

necessary precautions during construction and subsequent operation and maintenance to protect and enhance the environmental values of any affected Federal Energy Regulatory Commission project lands and waters. In the event State does not fulfill the obligations specified in this paragraph, in the opinion of Company, State agrees to take corrective action as Company may direct.

State, its successors and assigns, prior to commencement of construction of the bridge and approaches thereto, shall consult and cooperate with the State Historic Preservation Officer to determine the effect, if any, of the proposed construction of any archaeological sites and to determine the need, if any, for archaeological or historical surveys or salvage work at the site; and, if a need is established, State shall provide funds in a reasonable amount for such work.

The State shall not use the right-of-way herein granted in any manner that does not comport with Federal Power Commission Order No. 313 issued December 27, 1965, Paragraph (c), nor in a manner so as to endanger health, create a nuisance or otherwise be incompatible with the overall recreational use of Lay Dam and Reservoir, or as specified at any time in connection with Federal Energy Regulatory Commission Project No. 2146- Alabama.

TO HAVE AND TO HOLD UNTO the State of Alabama, its successors, and assigns, forever, subject to the reservations and conditions herein states.

IN WITNESS WHEREOF, Alabama Power Company has caused this instrument to be executed in its name by OLLIE D. SMITH, its Vice President, duly authorized thereto and attested by R. A. BOWEN, its Secretary, who affixed its corporate seal hereto, being duly authorized thereto, and State of Alabama has caused this instrument to be executed in its name by BOBBY J. KEMP, Director of the Highway Department of the State, duly authorized thereto, and caused its official seal to be hereto affixed on this 25th day of August, 1982.

ATTEST:

ALABAMA POWER COMPANY

Ed Brown
Secretary

By W. F. A.
VICE PRESIDENT

WITNESS:

STATE OF ALABAMA

Donald L. Heenan

By Robert J. K.
Director of Highway Department

For James
Governor of Alabama

APPROVED AS TO FORM } DALCH, BINGHAM, BAKER,
APPROVED AS TO TERMS AND DESCRIPTION } HAWTHORNE, WILLIAMS & WARD
By Harold Williams
By W. F. A.
LAND MANAGEMENT MANAGER
CORPORATE REAL ESTATE

Approved
Jack F. Porter
Chief Counsel
Alabama Highway Department

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STATE OF ALABAMA

JEFFERSON COUNTY

I, Norman E. Pendergast, a Notary Public in and for said County, in said State, hereby certify that Oliver W. Smith, whose name as Vice President of Alabama Power Company, a corporation is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal, this the 25th day of August, 1982.

Norman E. Pendergast
Notary Public

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STATE OF ALABAMA

MONTGOMERY COUNTY

I, Reba W. Kratzer, a Notary Public in and for said County, in said State, hereby certify that Bobby J. Kemp, whose name as Director of State of Alabama Highway Department is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of the State of Alabama.

Given under my hand and official seal, this the 26th day of July, 1982.

Reba W. Kratzer
Notary Public

NW NE SEC. 18

NE NE SEC. 18

T - 20 - S
R - 3 - E

BERNICE

S. 22° 10' E.

U. S. HIGHWAY NO. 280

1400

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(71)

HIGHTOWER ET AL

FLOOD EASEMENT
NO. 1 - 2.66 AC.

1405+00
150'

408.0' CONTOUR LINE

Present R.W. Line

408.0' CONTOUR LINE

WOODS

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SE NE SEC. 18
1410

1413+00
220'

CONTOUR LINE

APC Fee

PARCEL NO.

LOW WATER

399.0'

REQ'D.
PARCEL NO. 1 OF 3 - 0.29

SURVEY

MORGAN

WOODS

71-A

ALABAMA POWER

ACREAGE ACQUIRED

PARCEL NO. 1 OF 3
PARCEL NO. 2 OF 3

EXIST.

PAV. 6

RIVER

1420

ACREAGE	BEFORE
ACREAGE	ACQUIRED
ACREAGE	REMAINING

Parcel No. 1	-
Parcel No. 2	-
Parcel No. 3	-
TOTAL	-

Remaining Parcel "A" - 1.46 Ac.

RIVER TERRACE MOTEL, INC.

NE SE SEC. 18
CONTOUR LINE 18

NO. 2 - 0.46 Ac.

LINE 72

1423+0
220'

0.2 OF 3 - 3.19 Ac. APL. Fee

ER MARK

BRIDGE

PARCEL NO. 3 OF 3 - 0.20 Ac.

BRIDGE

FLOOD EASEMENT
CONTOUR

FR. RES.

FR. RES.

FR. RES.

FR. RES.

OST. OPECAN

GAS TANKS

4 GAS PUMPS

Present Road

35 | 220'

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NW-NE SEC. 18

S. 22° 10' E.

U. S. HIGHWAY NO. 280

B E R N I C E

H

BOOK 342

(71)

HIGHTOWER ET AL

FLOOD EASEMENT
NO. 1 - 2.86 AC.

1405+00
150'

408.0' CONTOUR LINE

Present R.O.W. Line

408.0' CONTOUR LINE

WOODS

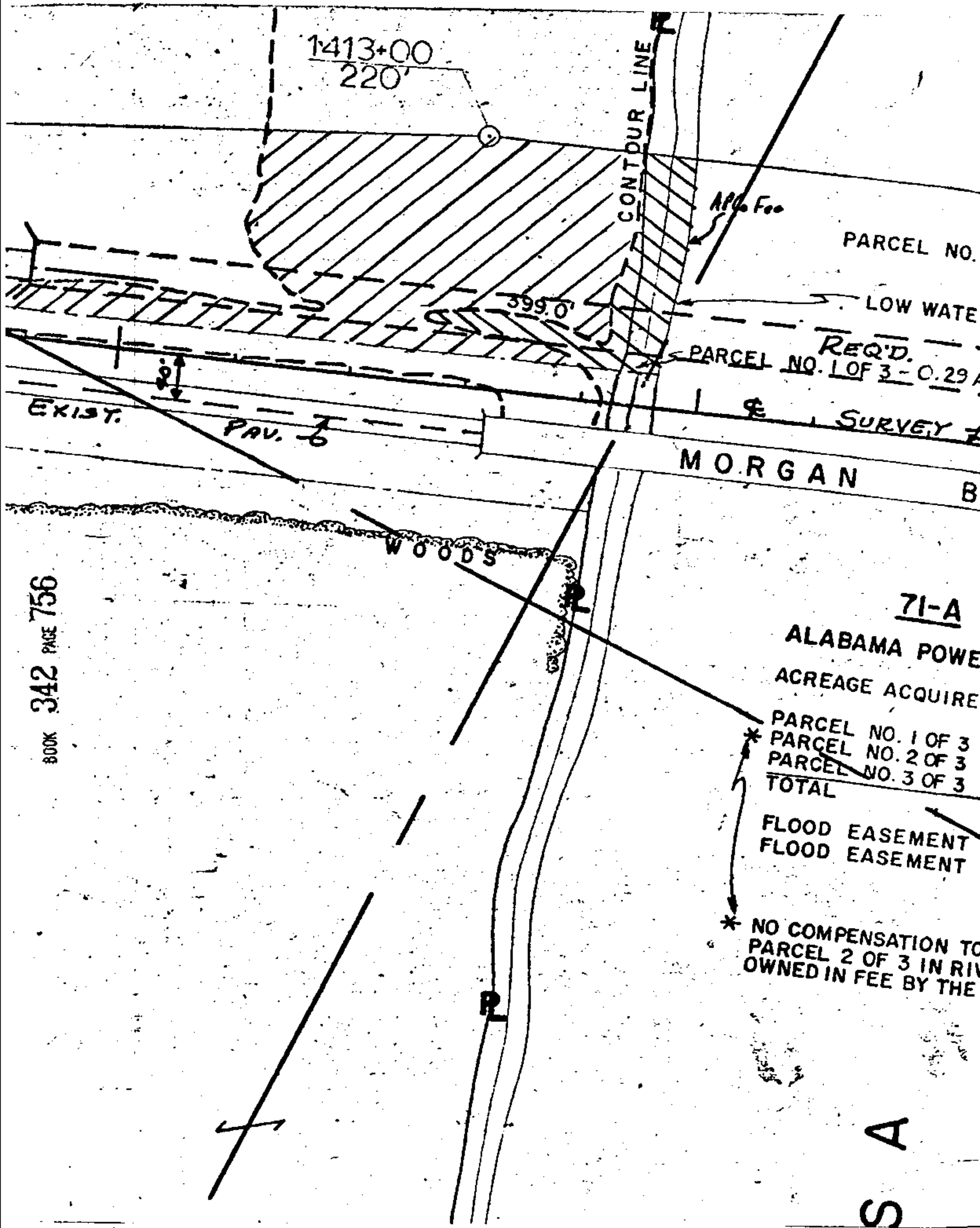
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(71)

GHTOWER ET AL

SW NE SEC. 18

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PARCEL NO.

LOW WATER

REQ'D. PARCEL NO. 1 OF 3 - 0.29 A

SURVEY 7

MORGAN B

71-A

ALABAMA POWER

ACREAGE ACQUIRE

PARCEL NO. 1 OF 3
PARCEL NO. 2 OF 3
PARCEL NO. 3 OF 3
TOTAL

FLOOD EASEMENT
FLOOD EASEMENT

* NO COMPENSATION TO
PARCEL 2 OF 3 IN RIVER
OWNED IN FEE BY THE

S A

RIV

3-3.19 AC

MARK —
JUDGE

PARCEL NO. 3 OF 3 - 0.20

J D G E

CO. 342 PAGE 757

0.29 Ac. —————
~~0.26 Ac. 3.19~~ —————
~~3.19 Ac. 0.20~~ —————
 3.68 Ac. —————

1- 2.86 Ac. —————
 2- 0.46 Ac. —————

CONSIDERED.
BED AND NOT
ABAMA POWER CO.

STATE OF ALABAMA HIGHWAY DEPARTMENT

RIGHT OF WAY MAP

SCALE : 1" = 100'

F-248(17)

EXHIBIT B

The easement and right-of-way hereby granted is more particularly located and described as follows, to-wit: and as shown on the right-of-way map of Project No. F-248(17) as recorded in the Office of the Judge of Probate of Shelby County, Alabama:

PARCEL NO. 1: Commencing at the northwest corner of the SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 18, Township 20 South, Range 3 East; thence southerly along the west line of said SE $\frac{1}{4}$ of NE $\frac{1}{4}$ a distance of 779 feet, more or less, to the present northeast right-of-way line of U.S. Highway No. 280; thence southeasterly along said present northeast right-of-way line a distance of 555 feet, more or less, to the 399.0 foot contour line above mean sea level as established by the U.S. Coast and Geodetic Survey as adjusted in January, 1955 and the point of beginning of the right-of-way herein granted; thence in a northeasterly direction meandering said 399.0 foot contour line a distance of 455 feet, more or less, to a point that is 220 feet northeasterly of and at right angles to the centerline of Project No. F-248(17); thence South 22° 10' East, parallel with the centerline of said project a distance of 46 feet, more or less, to the northwest low water mark of the Coosa River; thence southwesterly meandering said low water mark a distance of 191 feet, more or less, to the present northeast right-of-way line of said highway; thence northwesterly along said present northeast right-of-way line a distance of 65 feet, more or less, to the point of beginning.

Said strip of land lying in the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 18, Township 20 South, Range 3 East and containing 0.29 acres, more or less.

W.H.
H.H.
PARCEL NO. 2: Commencing at the northwest corner of the SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 18, Township 20 South, Range 3 East; thence southerly along the west line of said SE $\frac{1}{4}$ of NE $\frac{1}{4}$ a distance of 779 feet, more or less, to the present northeast right-of-way line of U.S. Highway No. 280; thence southeasterly along said present northeast right-of-way line a distance of 620 feet, more or less, to the northwest low water mark of the Coosa River and the point of beginning; thence northeasterly meandering said low water mark a distance of 191 feet, more or less, to a point that is 220 feet northeasterly of and at right angles to the centerline of Project No. F-248(17); thence South 22° 10' East, parallel with the centerline of said project a distance of 574 feet, more or less, to the southeast low water mark of said river; thence southwesterly, meandering said southeast low water mark (crossing the centerline of said project at approximate Station 1420+31) a distance of 250 feet, more or less, to the northeast edge of Morgan Bridge; thence northwesterly along the northeast edge of said bridge a distance of 571 feet, more or less, to the northwest low water mark of said river; thence northeasterly, meandering said northwest low water mark (crossing the centerline of said project at approximate Station 1414+61) a distance of 52 feet, more or less, to the point of beginning.

Said area lying in the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 18, Township 20 South, Range 3 East and containing 3.19 acres, more or less.

PARCEL NO. 3: Commencing at the southeast corner of the NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 18, Township 20 South, Range 3 East; thence westerly along the south line of said NE $\frac{1}{4}$ of SE $\frac{1}{4}$ a distance of 585 feet, more or less, to the present northeast right-of-way line of U. S. Highway No. 280; thence northwesterly along said present northeast right-of-way line a distance of 800 feet, more or less, to the 399.0 foot contour line above mean sea level as established by the U. S. Coast and Geodetic Survey as adjusted in January, 1955 and the point of beginning of the right-of-way herein granted; thence continuing northwesterly along said present northeast right-of-way line a distance of 62 feet, more or less, to the southeast low water mark of the Coosa River, thence northeasterly meandering said low water mark a distance of 211 feet, more or less, to a point that is 220 feet northeasterly of and at right angles to the centerline of Project No. F-248(17); thence South 22° 10' East,

parallel with the centerline of said project a distance of 21 feet, more or less, to said 399.0 foot contour line; thence in a southwesterly direction meandering said 399.0 foot contour line a distance of 225 feet, more or less, to the point of beginning.

Said strip of land lying in the NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 18, Township 20 South, Range 3 East and containing 0.20 acres, more or less.

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FLOOD EASEMENT NO. 1: Commencing at the northeast corner of the SW $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 18, Township 20 South, Range 3 East; thence westerly along the north line of said SW $\frac{1}{4}$ of NE $\frac{1}{4}$ a distance of 167 feet, more or less, to a point that is 150 feet northeasterly of and at right angles to the centerline of Project No. F-248(17) and the point of beginning of the right-of-way herein granted; thence South 22° 10' East, parallel with the centerline of said project a distance of 209 feet, more or less, to the 408.0 foot contour line above mean sea level as established by the U.S. Coast and Geodetic Survey as adjusted in January, 1955; thence southwesterly, then southeasterly, thence northeasterly meandering said 408.0 foot contour line a distance of 1,175 feet, more or less, to a point on a line which extends from a point that is 150 feet northeasterly of and at right angles to the centerline of said project at Station 1405+00 to a point that is 220 feet northeasterly of and at right angles to the centerline of said project at Station 1413+00; thence southeasterly along said line a distance of 192 feet, more or less, to said point that is 220 feet northeasterly of and at right angles to the centerline of said project at Station 1413+00; thence South 22° 10' East, parallel with the centerline of said project a distance of 133 feet, more or less, to the 399.0 foot contour line according to said Survey; thence in a southwesterly direction, meandering said 399.0 foot contour line a distance of 455 feet, more or less, to the present northeast right-of-way line of U.S. Highway No. 280; thence northwesterly along said present northeast right-of-way line a distance of 1,609 feet, more or less, to said 408.0 foot contour line; thence in a southeasterly direction, meandering said 408.0 foot contour line a distance of 225 feet, more or less, to a point that is 150 feet northeasterly of and at right angles to the centerline of said project; thence South 22° 10' East, parallel with the centerline of said project a distance of 126 feet, more or less, to the point of beginning.

Said strip of land lying in the W $\frac{1}{2}$ of NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 18, Township 20 South, Range 3 East and containing 2.85 acres, more or less.

FLOOD EASEMENT NO. 2: Commencing at the southeast corner of the NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 18, Township 20 South, Range 3 East; thence westerly along the south line of said NE $\frac{1}{4}$ of SE $\frac{1}{4}$ a distance of 585 feet, more or less, to the present northeast right-of-way line of U.S. Highway No. 280; thence northwesterly along said present northeast right-of-way line a distance of 710 feet, more or less, to the 408.0 foot contour line above mean sea level as established by the U.S. Coast and Geodetic Survey as adjusted in January, 1955 and the point of beginning of the right-of-way herein granted; thence continuing northwesterly along said present northeast right-of-way line a distance of 90 feet, more or less, to the 399.0 foot contour line according to said Survey; thence in a northeasterly direction meandering said 399.0 foot contour line a distance of 225 feet, more or less, to a point that is 220 feet northeasterly of and at right angles to the centerline of Project No. F-248(17); thence South 22° 10' East, parallel with the centerline of said project a distance of 109 feet, more or less, to said 408.0 foot contour line; thence in a southwesterly direction, meandering said 408.0 foot contour line a distance of 240 feet, more or less, to the point of beginning.

Said strip of land lying in the NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 18, Township 20 South, Range 3 East and containing 0.46 acres, more or less.



NO TAX COLLECTED
1982 SEP 30 AM 8:28
JUDGE OF PROBATE
Rec. 22.50
Ind. 1.00
23.50